

time after which, this matter, as to the proper proportion of the sale of a real estate which should be awarded to a widow in lieu of

269 her dower therein, seems * to have very strongly attracted the attention of Chancellor HANSON; and, as it would seem, without the slightest reference to any then existing Act of Assembly, or to any previous decision of his own, he accordingly took up the subject on the 14th of September, 1803, with an avowed determination to establish a general rule by which the Court should be governed in all future cases, when called upon to award to a widow an adequate compensation for her dower.

"Sometimes," says he, "when lands, subject to dower, are sold under the authority of this Court, the widow and the persons con-

of age, as the present petitioner is stated and admitted to be, is about three-twentieths of the net sum for which the whole interest in the land has sold or shall sell for.

It is accordingly Adjudged, Ordered and Decreed, that the petitioner Ann Cassanave, is entitled to and shall receive three parts out of twenty of the net money, arising from the sale of those lands, under the decree of this Court, of which her husband appears, from the petition and answer to have had a complete legal title; and it is further Ordered, that the auditor of this Court state the sum she is entitled to from the said sales, deducting the costs of suit and the trustee's commissions.

The statement was made accordingly by the auditor, and the sum thus ascertained ordered to be paid.

GREENWOOD v. CLARKE.—This petition was filed on the 17th of January, 1801, to have a certain lot of land divided among the parties as the heirs of William Clarke, deceased. The defendants were all infants and non-residents. The petition stated, that the land would not admit of division and prayed a sale. Upon which an order of publication was passed to be inserted in the Baltimore Telegraph warning the defendants to appear, &c. The publication of which order was certified to have been made by the printer of that paper. On the 1st of July, 1801, it was decreed that the lands be sold, &c. Under which a sale was made, reported and absolutely confirmed, no cause having been shewn, &c. Upon which the Chancellor, by way of note said, "it is suggested, that there is a relict of the deceased, married to another man, who has joined her in a power of attorney to authorize the sale of her interest, and the taking in lieu of her dower such sum as the Chancellor shall think proper, &c. But there is not the least proof of her being Clarke's widow, and entitled to dower. There is another defect of proof. It is material to know the widow's age, because allowances are made according to age. These defects may be supplied." After which the proofs were exhibited and the case thereupon submitted.

HANSON, C., 17th November, 1804.—On the petition of Ann Randall with her husband James Randall, it is Adjudged and Ordered, that she, as relict of William Clarke, deceased, of Kent County, whose lands have been sold under a decree of this Court, be allowed one-eighth part of the net money arising from the said sale as a compensation for relinquishing her right of dower. Let the auditor of the Court state the application of the money, &c.